# EXHIBIT B

### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

ALVIN L. BRAGG, JR., in his official capacity as District Attorney for New York County

Plaintiff,

Case No. 1:23-cv-03032-MKV

v.

JIM JORDAN, in his official capacity as Chairman of the Committee on the Judiciary, et al.,

Defendants.

#### SECOND DECLARATION OF THEODORE J. BOUTROUS, JR.

I, Theodore J. Boutrous, Jr., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

- 1. I am a member of the bar of this Court and a partner of the law firm of Gibson,
  Dunn & Crutcher LLP, counsel to Plaintiff Alvin L. Bragg, Jr. I am personally familiar with the
  facts set forth in this Declaration and if called, could testify competently thereto.
- 2. I submit this second declaration in further support of Plaintiff's Memorandum Of Law In Support Of His Motion For A Temporary Restraining Order And Preliminary Injunction.
- 3. Attached as **Exhibit 60** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim\_Jordan) at 6:24 PM on April 11, 2023 linking to a Fox News broadcast of an April 11, 2023 interview with Jim Jordan on *Special Report with Bret Baier*, available at https://twitter.com/Jim\_Jordan/status/1645915820885790722?cxt=HHwWhMC-of\_tu9ctAAAA. Attached as **Exhibit 60-A** is a true and correct copy of the April 11, 2023 Fox News broadcast of *Special Report with Bret Baier* interviewing Rep. Jim Jordan and Tweeted by Rep. Jim Jordan.
- 4. Attached as **Exhibit 61** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim Jordan) at 4:34 PM on April 12, 2023 linking to a Fox News broadcast of an April 12,

2023 interview with Jim Jordan on *The Story with Martha MacCallum*, available at https://twitter.com/Jim\_Jordan/status/1646250440193892352?cxt=HHwWgICzsbOD1NgtAAA A. Attached as **Exhibit 61-A** is a true and correct copy of the April 12, 2023 Fox News broadcast of *The Story with Martha MacCallum* interviewing Rep. Jim Jordan and Tweeted by Rep. Jim Jordan.

- 5. Attached as **Exhibit 62** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim\_Jordan) at 8:29 PM on April 13, 2023 linking to a Fox Business broadcast of an April 13, 2023 interview with Jim Jordan on *Kennedy*, available at https://twitter.com/JudiciaryGOP/status/1646671653085085698?cxt=HHwWhIC8\_ZvJk9otAAA A. Attached as **Exhibit 62-A** is a true and correct copy of the April 13, 2023 Fox Business broadcast of *Kennedy* interviewing with Rep. Jim Jordan and Tweeted by Rep. Jim Jordan.
- 6. Attached as **Exhibit 63** is a true and correct copy of an article titled *Jordan*, *House Republicans hold New York City hearing to focus on Crime, attack Bragg*, written by Alexandra Hutzler, published by ABC News on April 17, 2023.
- 7. Attached as **Exhibit 64** is a true and correct copy of an email reply from Matthew Berry to Leslie Dubeck, with the subject line, "Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.) return date" sent on Thursday, April 13, 2023.
- 8. Attached as **Exhibit 65** is a true and correct copy of an article titled *HUGE: GOP* Rep Moves to Defund Alvin Bragg's DA Office with the "ALVIN Act," written by Clayton Keirns, published by the Trending Politics News on April 15, 2023.
- 9. Attached as **Exhibit 66** is a true and correct copy of an article titled *Trump Vows Investigation of Democratic District Attorneys*, written by Alan Feuer, published by the New York Times on April 13, 2023.

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10. Attached as **Exhibit 67** is a true and correct copy of an article titled *How Jim* 

Jordan, a Fighter Aligned With Trump, Wrestled His Way to Power, written by Luke

Broadwater, published by the New York Times on April 16, 2023.

11. Attached as **Exhibit 68** is a true and correct copy of a Joint Stipulation, in the

case of Donald J. Trump et al., v. Elijah E. Cummings et al., filed in the District of Columbia,

Case Number 1:19-cv-01136-APM, on April 29, 2019.

12. Attached as **Exhibit 69** is a true and correct copy of a Complaint, in the case of

Donald J. Trump et al., v. Elijah E. Cummings et al., filed in the District of Columbia, Case

Number 1:19-cv-01136-APM, on April 22, 2019.

13. Attached as **Exhibit 70** is a true and correct copy of a Proposed H. R. Bill

"Accountability for Lawless Violence In our Neighborhoods Act" or the "ALVIN Act", 118th

Congress (1st Session), introduced by Rep. Andy Biggs on April 12, 2023.

14. Attached as **Exhibit 71** is a true and correct copy of a Transcript, in the case of

The People of the State of New York, Indictment #71543-2023, filed in New York Supreme

Court on April 4, 2023.

15. Attached as **Exhibit 72** is a true and correct copy of a Tweet by Kevin McCarthy

(@SpeakerMcCarthy) at 11:07 AM EST on March 18, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York

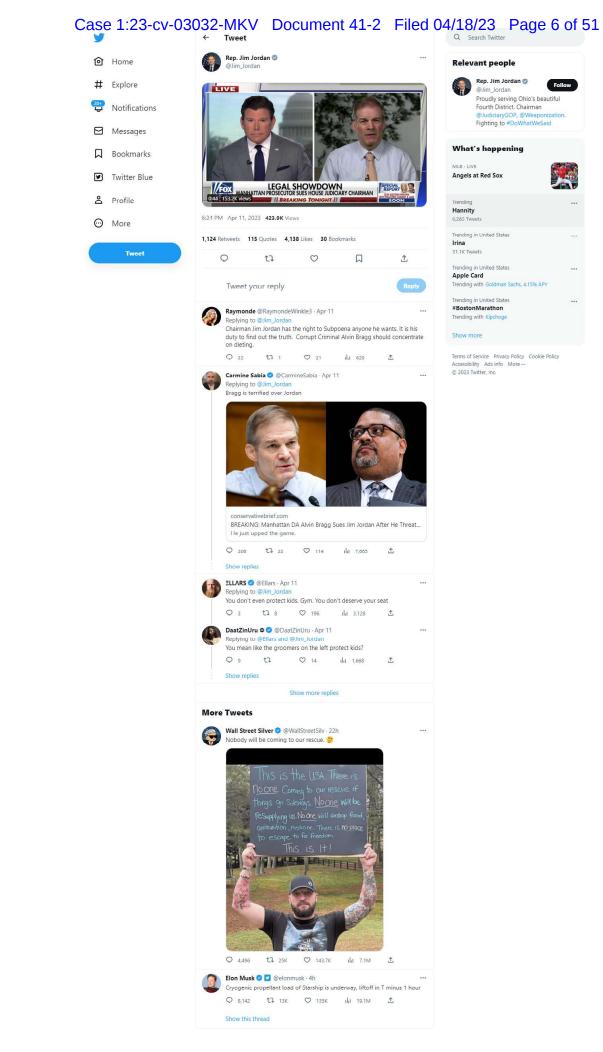
April 18, 2023

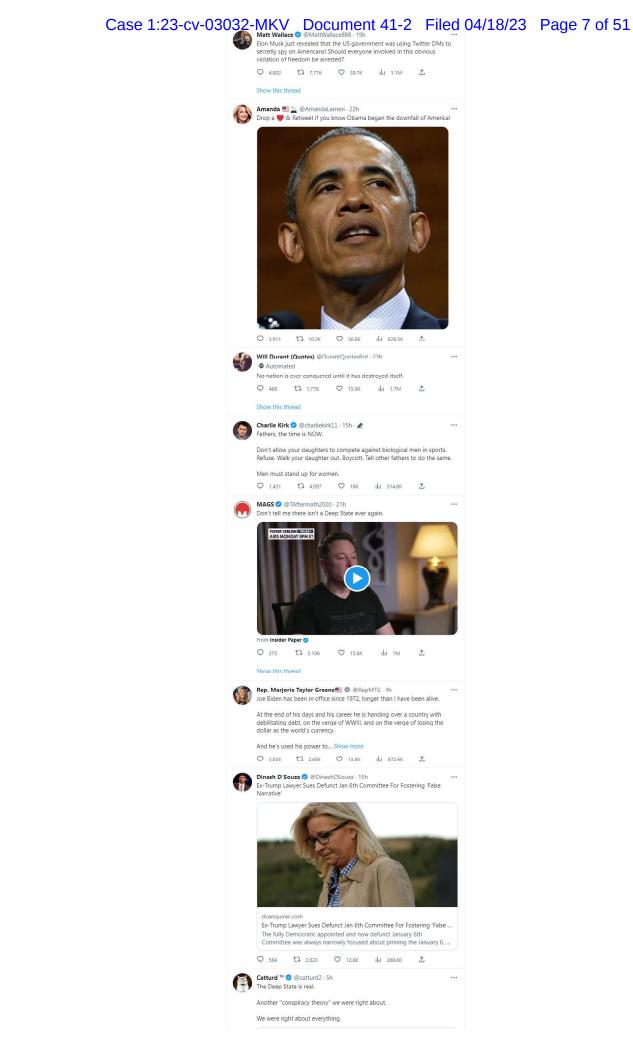
/s/ Theodore J. Boutrous, Jr.

Theodore J. Boutrous, Jr.

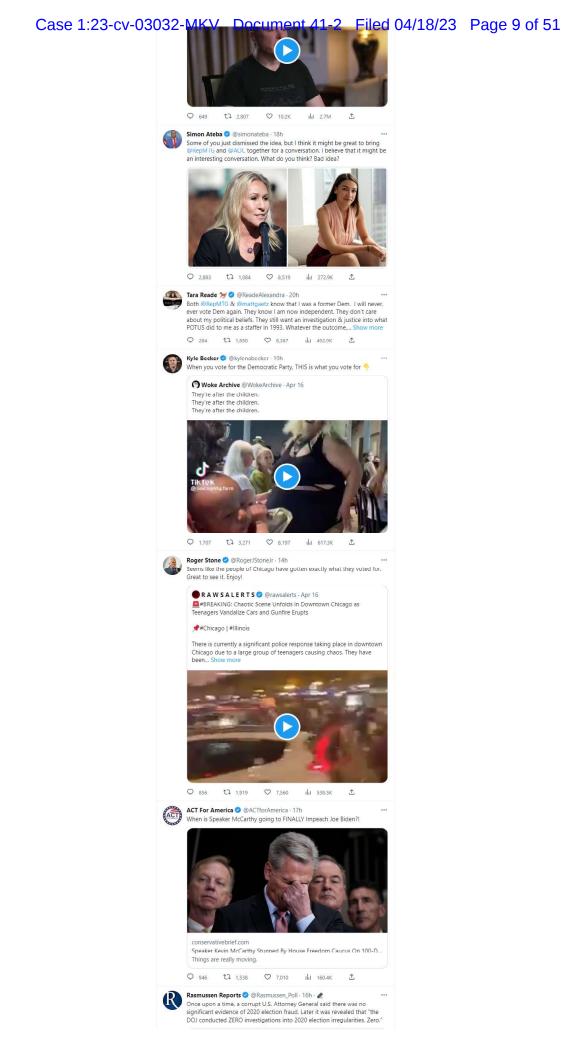
3

## EXHIBIT 60







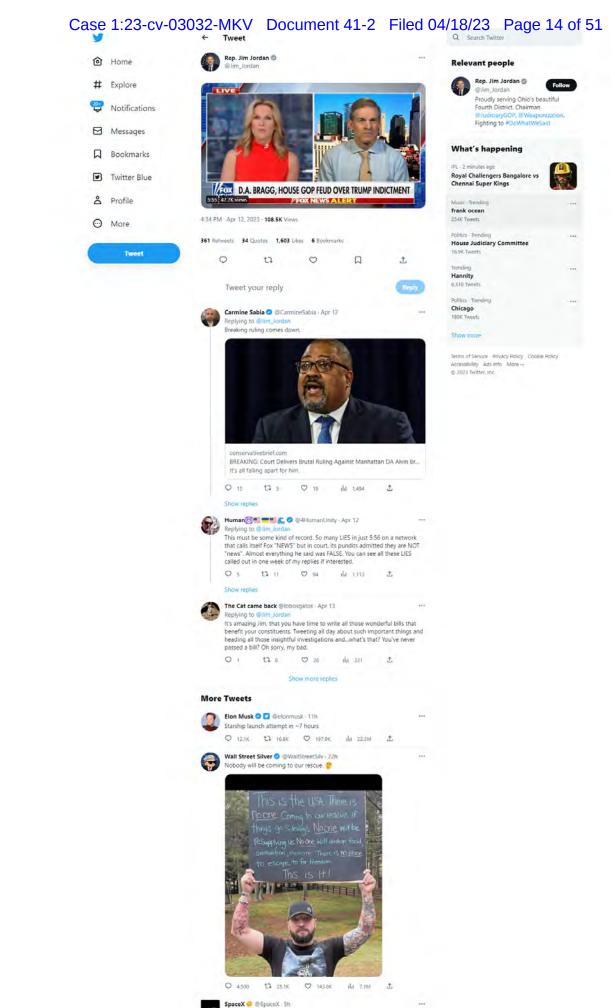




## EXHIBIT 60-A

# Exhibit in Video Format and to be provided at the Court's discretion.

# EXHIBIT 61







Show this thread

Chairman ② @WSBChairman - 21h

Elon Musk just said the US government had full access to Twitter user activity, including spying on users' DMs under previous management.

This is almost as bad as the illegal government surveillance Edward Snowden exposed in 2013.

O 1,225 t3 7,193 O 29.3K Ilii 3.9M & Show this thread

The Babylon Bee @ @TheBabylonBee - 20h
Newtyweds In Can Park Newlyweds In San Francisco Looking For Nice One Bedroom, Zero Bath



Newlyweds in San Francisco Looking For Nice One Bedroom, Zero Bat... SAN FRANCISCO — Newlyweds Drew and Jessica Perry have begun searching in earnest across San Francisco for a nice, one-bedroom ...



No nation is ever conquered until it has destroyed itself. O 469 13 1.781 O 15.9K ilu 1.7M 1

Show this thread

Charlie Kirk @ @charliekirk11 - 15h - & Fathers, the time is NOW.

Don't allow your daughters to compete against biological men in sports. Refuse. Walk your daughter out. Boycott. Tell other fathers to do the same.

Q 1,432 tl 4,099 ♥ 18K II.I 515.8K ± MAGS @ @TAftermath2020 - 21h Don't tell me there isn't a Deep State ever again.



From Insider Paper 📀 Q 376 t7 5,202 ♥ 15.6K

Rep. Marjorie Taylor Greene @ @RepMTG - 4h Joe Biden has been in office since 1972, longer than I have been alive.

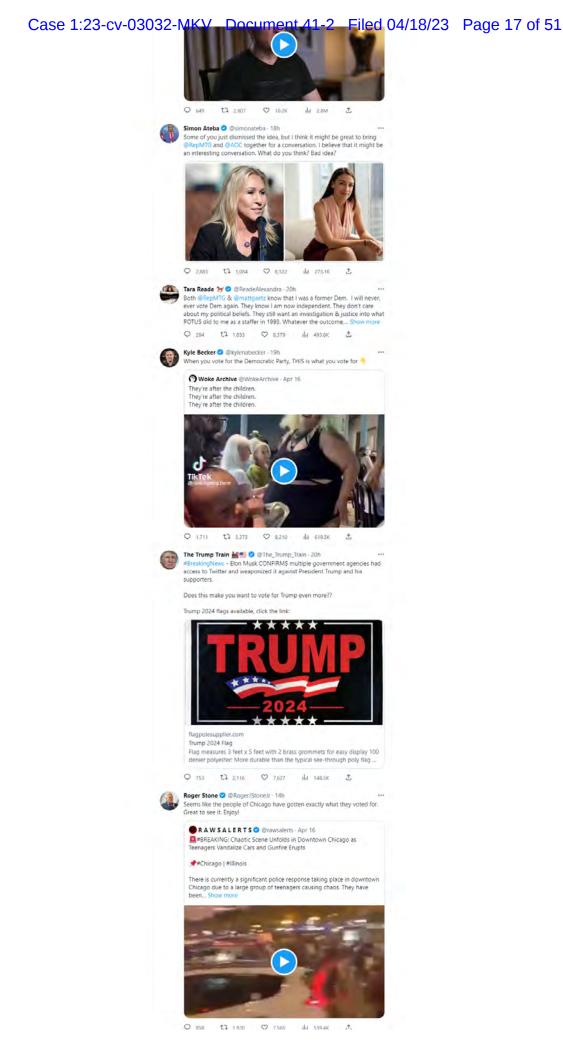
At the end of his days and his career he is handing over a country with debilitating debt, on the verge of WWIII, and on the verge of losing the dollar as the world's currency.

And he's used his power to... Show more

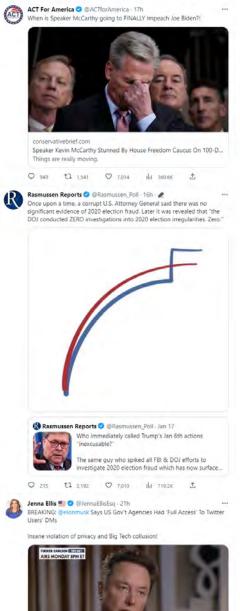
○ 3,942 t3 2,709 ♡ 13.8K du 878.8K ±

Dinesh D'Souza ② @DineshDSouza - 15h Ex-Trump Lawyer Sues Defunct Jan 6th Committee For Fostering 'False Narrative'





#### Case 1:23-cv-03032-MKV Document 41-2 Filed 04/18/23 Page 18 of 51



# EXHIBIT 61-A

# Exhibit in Video Format and to be provided at the Court's discretion.

# EXHIBIT 62

### Case 1:23-cv-03032-MKV Document 41-2 Filed 04/18/23 Page 22 of 51 Rep. Jim Jordan 🌣 1 Home # Explore \*\* Notifications □ Bookmarks Twitter Blue & Profile 8:29 PM - Apr 13, 2023 - 234.6K Views More Mor 336 Retweets 34 Quotes 1,571 Likes 5 Bookmarks tl O D Tweet your reply Green Entreprises ② @GreenEntreprise - Apr 14 Replying to @Jim\_Jordan Rep Jim Jordan n @HouseGOP You have forgotten joers Jéers devastated, Don't trust you NOW Do you have hearts \*\* Give them funding n fight the corrupt courts Just Politicians fearing the political risks ○ 1 tl 24 ○ 25 ili 606 立 mrbigg 🔮 @mrbigg450 - Apr 13 O 29 Ali B @alipalliB - Apr 13 Replying to @Jim\_Jordan. Can't imagine how he ever got elected. IF YOU ARE WONDERING HOW A FOOL LIKE JIM JORDAN GOT ELECTED Q 2 t3 i ♥ 15 thi 287 Show more replies **More Tweets** Matt Wallace 3 @MattWallace888 - 19h Bion Musk just revealed that the US government was using Twitter DMs to secretly spy on Americans Should everyone involved in this obvious violation of freedom be arrested?

O 4,819 t3 7,796 ♥ 39.8K ilii 1.1M ±





**Who Agrees?** 



Kari Lake @ @KariLake - 19h .@Conradson)ordan and @BenBergquam were on the ground 11/8/22 reporting on Maricopa County violating the chain of custody AND breaking

So, the county barred them from covering the election.

Maricopa robbed you of your free speech AND your vote.



Maricopa Co. Pays Gateway Pundit \$175,000 for Denial of Press Access... VICTORYI Corrupt Maricopa was wrong to deny press access.



Tulsi Gabbard 🌉 🛂 @TulsiGabbard - 6h Equality is treating everyone equally, providing the same opportunities regardless of race, religion, etc. It's the essence of aloha and the message of MLK. Whereas 'equity' advocated by the Biden admin and 'woke' activists, demands equal outcomes regardless of effort or ability.... Show more

Q 609 t3 1,839 ♥ 10.4K III 735.6K &



Collin Rugg 🔮 @CallinRugg - 21h 🔌 BREAKING: In Tucker Carlson's interview with Elon Musk, the Twitter CEO doubles down on the Twitter Files, saying multiple government agencies had "full access" to Twitter-

"Various government agencies effectively had full access to everything that was going on Twitter."

Your .. Show more



t3 2,809 O 10.2K 14 2.866



Simon Ateba 🔮 @simonateba - 18h Some of you just dismissed the idea, but I think it might be great to bring @RepMTG and @AOC together for a conversation. I believe that it might be an interesting conversation. What do you think? Bad idea?



Q 2887 T3 1.085 Q 8.529 ilii 273.3K ₫



Tara Reade 🧺 🤣 @ReadeAlexandra - 20h Nara Reade: 7 emeroceucxandra 2 cm

Both @RepMIG & @matiguet know that I was a former Dem. I will never, ever vote Dem again. They know I am now independent. They don't care about my political beliefs. They still want an investigation & justice into what POTUS did to me as a staffer in 1993, Whatever the outcome... Show more

O 284 t3 1,854 ♡ 8,385 Ilii 494.3K 1.





The Trump Train [1] © @The\_Trump\_Train - 20h ....
#BreakingNews - Elon Musk CONFIRMS multiple government agencies had access to Twitter and weaponized it against President Trump and his supporters.

Does this make you want to vote for Trump even more??

Trump 2024 flags available, click the link:



Trump 2024 Flag Flag measures 3 feet x 5 feet with 2 brass grommets for easy display 100 denier polyester: More durable than the typical see-through poly flag ...



Q 753 13 2116 Q 7630 du 148.6K 1

Roger Stone ② @RogerJStoneJr - 14h Seems like the people of Chicago have gotten exactly what they voted for. Great to see it. Enjoy!

RAWSALERTS @ @rawsalerts - Apr 16 #BREAKING: Chaotic Scene Unfolds in Downtown Chicago as Teenagers Vandalize Cars and Gunfire Erupts

There is currently a significant police response taking place in downtown Chicago due to a large group of teenagers causing chaos. They have been... Show more



t3 1,920 7.568



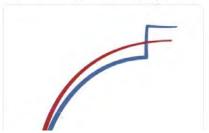


Speaker Kevin McCarthy Stunned By House Freedom Caucus On 100-D... Things are really moving.

O 949 t7 1,541 O 7,019 Ill 160.9K



Rasmussen Reports ② @Rasmussen\_Poll - 17h - & Once upon a time, a corrupt U.S. Attorney General said there was no significant evidence of 2020 election fraud. Later it was revealed that "the DO) conducted ZERO investigations into 2020 election irregularities. Zero."



#### Relevant people



Rep. Jim Jordan @ @Jim\_Jordan Proudly serving Ohio's beautiful Fourth District. Chairman

@JudiciaryGOP, @Weaponiza Fighting to #DoWhatWeSald

#### What's happening

Angels at Red Sox



frank ocean Apple Card Arlington 3,246 Tweets

17.3K Tweets

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House Judiciary Committee



## Case 1:23-cv-03032-MKWn McDocument, 41-2 Filed 04/18/23 Page 27 of 51 Our national debt is too high. Far too high. And the problem is getting worse, not better. Mr. President, enough—stop playing ...

Q 2,625 t3 1,376 ♥ 5,743 III 415.6k ₺

Marsha Blackburn ⊕ @VoteMarsha - 5h.
Under President Trump, our economy was booming, gas prices were low, and inflation was under control. Our border was secure, our adversaries feared us, & our military was strong.

I am proud to endorse Donald Trump for President and can't wait until he's back in the White House.



O 1,486 t2 1,355 ♥ 5,511 IM 470.5K &

## EXHIBIT 62-A

# Exhibit in Video Format and to be provided at the Court's discretion.

# EXHIBIT 63

### Jordan, House Republicans hold New York City hearing to focus on crime, attack Bragg

The Manhattan district attorney has been targeted for prosecuting Donald Trump.

By Alexandra Hutzler April 17, 2023, 4:58 PM









House GOP to hold crime hearing in NYC

The House Judiciary Committee, led by Rep. Jim Jordan, will gather at the Jacob K. Javits F...

Read More

House Republicans took their attack on Manhattan District Attorney Alvin Bragg to New York City on Monday, holding a hearing on what they say is a local crime crisis, a move Democrats lambasted as a "political stunt" aimed at protecting former President Donald Trump.

GOP Rep. Jim Jordan convened the House Judiciary Committee Monday morning at the Jacob Javits Federal Building in Manhattan -- just around the block from the Bragg's office.

"In this country, justice is supposed to be blind, regardless of race, religion or creed. However, here in Manhattan, the scales of justice are weighed down by politics," Jordan said. "For the district attorney justice isn't blind; it's about looking for opportunities to advance a political agenda, a radical political agenda."

Before the hearing, at Mayor Eric Adams' office, the top Democrat on the committee, Jerry Nadler of New York, swiped at Jordan, saying he "should know

## Case Liter 1644-030 Red in Which a Consumer of the field hearing in his opening remarks.



Rep. Jerry Nadler, Jim Jordan and Darrell Issa listen to witnesses during a House Judiciary Committee Field Hearing, Monday, April 17, 2023, in New York.

John Minchillo/AP

"We are here today in lower Manhattan for one reason and one reason only: the chairman is doing the bidding of Donald Trump," Nadler said. "Committee Republicans designed this hearing to intimidate and deter the duly-elected district attorney of Manhattan from doing the work his constituents elected him to do."

"They are using their public offices and the resources of this committee to protect their political patron, Donald Trump. It is an outrageous abuse of power. It is, to use the chairman's favorite term, a weaponization of the House Judiciary Committee," he added, referring to the Select Subcommittee on the Weaponization of the Federal Government, which Jordan also chairs.

Earlier this month, Bragg brought up <u>Trump</u> on a 34-count indictment, drawing fire from Republicans who claimed he should be focused on city crime instead.

MORE: Manhattan DA sues GOP's Jim Jordan as feud escalates over Trump's prosecution

At a sometimes raucous hearing interrupted by protesters angry at Bragg, Republican-picked, witnesses told lawmakers that the prosecutor's policies had made the city more dangerous while Democrats pushed back with statistics to claim other cities were much more so.

Among the witnesses were Jose Alba, a former bodega clerk who faced a murder charge after fatally stabbing an attacker in 2022; Joseph Borgen, the victim of an

#### Case Hill South Alexander of the second state of the second secon

Harrison, two women affected by violent crime who've become advocates for victims'rights in New York. Harrison recently told Fox News that crime victims are "distraught" over Bragg's leadership.



Jim Jordan speaks to Barry Borgen, father of a victim of anti-Semitic hate crime, while next to Paul DiGiacomo at a House Judiciary Committee hearing in New York City, April 17, 2023.

Shannon Stapleton/Reuters

Jordan said they were "victimized by a justice system that cares more about political correctness than punishing the criminals who've harmed victims and harmed their family."

Robert Holden, a Democratic New York City councilman, and Paul DiGiacomo, the president of the New York City's Detectives' Endowment Association, also appeared before the committee, critical of Bragg's policies.

Bragg's record as district attorney is a frequent target of Republicans, but the issue intensified in recent weeks over his prosecution of Trump. Jordan in particular has emerged as one of Bragg's biggest foes on Capitol Hill as he leads a congressional probe into Bragg's investigation of Trump.

MORE: What to know about Manhattan DA Alvin Bragg Jr.

Tensions boiled over last week when Bragg <u>sued</u>Jordan for what he called an "unprecedentedly brazen and unconstitutional attack by members of Congress."

Jordan and the Republican-controlled Judiciary Committee responded Monday to the lawsuit, calling it "extraordinary and unconstitutional" for Bragg to attempt to prevent a witness from complying with a congressional subpoena.

#### 

leader of the criminal investigation into former President Donald Trump, calling the subpoena and the investigation it resulted from a partisan attempt to "intimidate and attack" the district attorney.



Manhattan Congressman Jerry Nadler joins New York City Mayor Eric Adams and others at a news conference before a House Judiciary Committee field hearing in Manhattan at the Javits...

Spencer Platt/Getty Images

In a filing Monday, lawyers for the House Republicans argued the investigation is legitimate because "the prospect of a politically motivated prosecution of a former President could give rise to issues of substantial federal concern."

The Monday committee hearing has prompted fierce debate over crime in Democratic and Republican areas, with each side pointing to various statistics to make its case.

Adams, during a recent news conference, said the House GOP's field hearing made "no sense."

"I'm a little disappointed that they're coming here complaining about crime here when per capita, their crime is through the roof," Adams <u>said</u>.



hearing in New York City, April 17, 2023.

Shannon Stapleton/Reuters

"Don't be fooled, the House GOP is coming to the safest big city in America for a political stunt," a spokesperson for Bragg's office quickly <u>fired back</u> after the hearing was announced.

Bragg's office has highlighted data that showed violent crime in Manhattan has dropped in the first quarter of 2023 compared with a year ago. Murders are down 14%, shootings fell 17% and burglaries dropped 21% in the borough, <u>per data from the NYPD.</u>

They have also taken aim at Jordan specifically, pointing to <u>one analysis</u> which found the murder rate in New York City is lower than that of Columbus, Ohio.

"In D.A. Bragg's first year in office, New York City had one of the lowest murder rates of major cities in the United States (5.2) nearly three times lower than Columbus, Ohio (15.4)," Bragg's office said.

Jordan responded on Twitter, "If New York City is the 'safest big city in America,' then why are so many people leaving?"



Rep. Jim Jordan, left, and Manhattan District Attorney Alvin Bragg are seen in this split photo Left: AP Photo/Carolyn Kaster; Right: Kena Betancur/Getty Images

While New York County had a population decline of 98,505 in 2021 mostly attributable to net domestic outmigration, the county -- home to Manhattan -- had population growth of 17,472 in 2022, according to data released last month by the United States Census Bureau.

#### Caserle 33 rya Rale 32 rt M K Vise Daniel 139 05 Almi Lee Filade 04/18 Wasite Rage 36 of 51

provides neighborhood statistics called NeighborhoodScout.com, which showed that the violent crime rate for Manhattan was 5.21 per 1,000 residents, compared to 4.26 for Mansfield -- though both cities had higher rates than most U.S. cities.

ABC News' Aaron Katersky contributed to this report.

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Airlines hate when you do this (but can't stop you)! Capital One Shopping	
New Arrivals Just In For Spring	
Tecovas	Shop Now
Virginia mom of 6-year-old who shot teacher surrenders to police	
Trump answers questions for 7 hours in NY fraud lawsuit	
Judge: If news taints rape-trial jurors, Trump shares blame	
Breakthrough "Skinny Pill" Takes America By Storm	
Her Life & Health	
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District Of Columbia: Say Bye To Your Car Insurance If You Live Near Washing	ıton
Penny Pinchers	,

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# EXHIBIT 64

From: Berry, Matthew

To: <u>Dubeck, Leslie</u>; <u>Tatelman, Todd</u>; <u>Castor, Stephen</u>

Cc: Boutrous Jr., Theodore J.; Denerstein, Mylan L.; Meeks, Kate; Hiller, Aaron; Crain, Lee R.

**Subject:** RE: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.) - return date

**Date:** Thursday, April 13, 2023 11:27:08 AM

### [WARNING: External Email]

Counsel,

Thank you for your message. We have spoken with our client, and the Committee does not intend to adjourn the April 20, 2023 return date in the Pomerantz subpoena.

Matthew Berry
General Counsel
Office of General Counsel
U.S. House of Representatives
5140 O'Neill House Office Building
Washington, DC 20515
(202) 225-9700

From: Dubeck, Leslie < Dubeckl@dany.nyc.gov>

Sent: Wednesday, April 12, 2023 7:25 PM

**To:** Tatelman, Todd <Todd.Tatelman@mail.house.gov>; Berry, Matthew

<Matthew.Berry@mail.house.gov>; Castor, Stephen <Stephen.Castor@mail.house.gov>

Cc: Boutrous Jr., Theodore J. <TBoutrous@gibsondunn.com>; Denerstein, Mylan L.

<MDenerstein@gibsondunn.com>; Meeks, Kate <KMeeks@gibsondunn.com>; Hiller, Aaron

<Aaron.Hiller@mail.house.gov>; Crain, Lee R. <LCrain@gibsondunn.com>

Subject: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.) - return date

#### Counsel -

Given that we now have a schedule from the Court, we write to ask whether Chairman Jordan and the Committee would be amenable to adjourning the April 20, 2023 return date in the Pomerantz subpoena in light of the April 19 hearing date scheduled by the Court.

An adjournment is in the interests of judicial efficiency and the parties. Namely, we believe the Court would appreciate the opportunity to consider the significant constitutional questions at issue in this case on a more reasonable timeframe. In addition, if the Court denies relief, it would be in the interests of the Court and the parties to have additional time to litigate any motion to stay pending appeal in the Second Circuit as well as merits review. In short, all parties and the courts would be well served if we could agree to provide additional time for briefing on any applications to follow the April 19 hearing and a schedule that allows the courts a reasonable time to consider the issues the parties' papers have and will raise.

Please let us know your views, and we'd be glad to get on a call or Zoom to discuss.

<!-- p {margin-top:0; margin-bottom:0} --> Leslie B. Dubeck General Counsel New York County District Attorney's Office One Hogan Place | New York, NY 10013 212-335-9661

**From:** Crain, Lee R. < <u>LCrain@gibsondunn.com</u>>

**Sent:** Tuesday, April 11, 2023 11:03 PM

**To:** Tatelman, Todd; Berry, Matthew; Castor, Stephen

Cc: Boutrous Jr., Theodore J.; Denerstein, Mylan L.; Dubeck, Leslie; Meeks, Kate; Hiller, Aaron

Subject: [EXTERNAL] RE: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to <a href="mailto:phish@oti.nyc.gov">phish@oti.nyc.gov</a> as an attachment (Click the More button, then forward as attachment).

Thank you for your email, Todd. Please see the attached, which was filed a short moment ago.

Lee

#### Lee Crain

### GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193
Tel +1 212.351.2454 • Cell +1 347.924.2815
LCrain@gibsondunn.com • www.gibsondunn.com

From: Tatelman, Todd < Todd. Tatelman@mail.house.gov >

**Sent:** Tuesday, April 11, 2023 6:04 PM

**To:** Crain, Lee R. < <u>LCrain@gibsondunn.com</u>>; Berry, Matthew

< <u>Matthew.Berry@mail.house.gov</u>>; Castor, Stephen < <u>Stephen.Castor@mail.house.gov</u>>

Cc: Boutrous Jr., Theodore J. < TBoutrous@gibsondunn.com >; Denerstein, Mylan L.

< <u>MDenerstein@gibsondunn.com</u>>; Dubeck, Leslie < <u>Dubeckl@dany.nyc.gov</u>>; Meeks, Kate

< <u>KMeeks@gibsondunn.com</u>>; Hiller, Aaron < <u>Aaron.Hiller@mail.house.gov</u>> **Subject:** RE: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.)

[WARNING: External Email]

Lee.

Thank you for the email. The House Office of General Counsel is authorized to accept electronic service on behalf of both Chairman Jordan and the Committee on the Judiciary.

We are not, however, authorized to accept or waive service of process on behalf of the United States, which is governed by Federal Rule of Civil Procedure 4(i). You must separately serve process as described by that rule. This means that you must serve process on the U.S. Attorney for the Southern District of New York, and separately on the U.S. Attorney General.

Sincerely,

Todd Tatelman

Todd B. Tatelman
Deputy General Counsel
Office of General Counsel
U.S. House of Representatives
5140 O'Neill House Office Building
Washington, D.C. 20515
(202) 225-9700 telephone
(202) 226-1360 fax

From: Crain, Lee R. < LCrain@gibsondunn.com>

**Sent:** Tuesday, April 11, 2023 5:26 PM

To: Berry, Matthew < Matthew. Berry@mail.house.gov>; Tatelman, Todd

<a href="mailto:se.gov"></a>; Castor, Stephen < <a href="mailto:stephen.Castor@mail.house.gov"><a href="mailto:se.gov"><a href

Cc: Boutrous Jr., Theodore J. < TBoutrous@gibsondunn.com >; Denerstein, Mylan L.

< <u>MDenerstein@gibsondunn.com</u>>; Dubeck, Leslie < <u>Dubeckl@dany.nyc.gov</u>>; Meeks, Kate

<<u>KMeeks@gibsondunn.com</u>>; Hiller, Aaron <<u>Aaron.Hiller@mail.house.gov</u>> **Subject:** RE: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.)

Counsel – the Court issued the attached order a few moments ago. The order requires service to be effectuated by 9PM this evening.

Can you please advise whether Chairman Jim Jordan and the Committee on the Judiciary will accept service by email? We are arranging to provide all filings to you now via FTP site given the volume of the materials.

Regards,

Lee Crain

## **GIBSON DUNN**

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From: Crain, Lee R. < LCrain@gibsondunn.com>

**Sent:** Tuesday, April 11, 2023 3:13 PM

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< KMeeks@gibsondunn.com>

Subject: Bragg v. Jordan, No. 23-cv-3032 (S.D.N.Y.)

Counsel,

I write to provide notice that District Attorney Alvin L Bragg, Jr. has filed an application for a temporary restraining order and preliminary injunction today, April 11, 2023, in the United States District Court for the Southern District of New York. The applications seek relief against (1) Representative Jim Jordan, in his official capacity as Chairman for the Committee on the Judiciary; (2) the Committee on the Judiciary of the United States House of Representatives; and (3) Mark F. Pomerantz.

I attach copies of the Complaint, the proposed order to show cause, and the memorandum of law, which was filed a short moment ago. Our remaining papers, including declaration and exhibits, will follow once they are filed.

We are amenable to discussing a briefing schedule and hearing date on our TRO and PI applications, subject to an agreement by all parties to adjourn the April 20, 2023 return date in the subpoena served on Mr. Pomerantz.

Regards,

Lee Crain

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# EXHIBIT 65

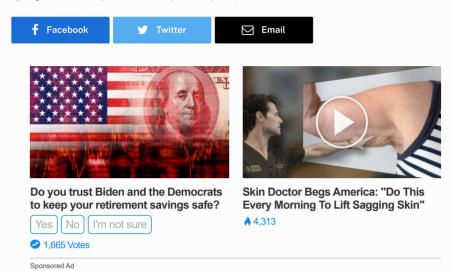


"Trending Politics"

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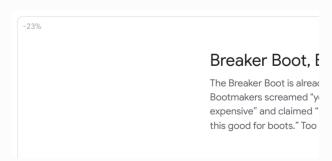
# HUGE: GOP Rep Moves To Defund Alvin Bragg's DA Office With The "ALVIN Act"

By Clayton Keirns - April 15, 2023 - Updated: April 16, 2023



Earlier this week, Rep. Andy Biggs of Arizona introduced a bill called the "ALVIN Act" that would defund Manhattan DA Alvin Bragg's office after his blatantly political indictment of former President Trump.

"The ALVIN Act and the No Federal Funds for Political Prosecutions Act ensure that George Soros-funded and radical Leftist District Attorney Alvin Bragg is held accountable for misusing federal funds," Biggs said on Twitter.





### Fox News adds the following:

The Accountability for Lawless Violence In Our Neighborhoods Act, or "ALVIN Act," would prohibit Bragg's office from receiving federal funding and require that the district attorney repay any funds received after Jan. 1, 2022. The bill is co-sponsored by Reps. Mary Miller, R-Ill., Eli Crane, R-Ariz., Paul Gosar, R-Ariz., Ralph Norman, R-S.C., and Bob Good, R-Va.

Biggs' second bill, the No Federal Funds for Political Prosecutions Act, would block any state or local law enforcement agency from using resources seized through asset forfeiture to prosecute a president, vice president or a candidate for president in a criminal case.

• • • •

"This weaponized prosecutor's office has spent thousands of federal taxpayer dollars to subsidize this political indictment and is demanding millions more in federal grants," he continued.

"It's disturbing to see District Attorney Bragg waste federal resources for political purposes rather than addressing the serious crime in his city.

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"As a member of the House Judiciary and Oversight & Accountability Committees, and with an almost insurmountable national debt that exceeds \$31 trillion, the nation simply cannot afford to support Mr. Bragg's politicization of the criminal justice system."

Bragg's office did not immediately respond to a request for comment.

For the last few weeks, Bragg has been in a heated back and forth between several GOP Congress members.



Jim Jordan tore into him during a segment on Fox News on Thursday. WATCH:





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# EXHIBIT 66

**ីhe New Lork Times** https://www.nytimes.com/2023/04/13/us/politics/trump-bragg-district-attorneys-new-york-georgia.html

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# Trump Vows Investigations of Democratic District Attorneys

Mr. Trump's threats of sweeping inquiries if re-elected came as local prosecutors in New York and Georgia were intensely scrutinizing him.

By Alan Feuer

April 13, 2023

Former President Donald J. Trump said in an online campaign advertisement on Thursday that if he were re-elected he would "completely overhaul" the F.B.I. and the Justice Department and launch "sweeping civil rights investigations" into local district attorneys' offices.

2 MIN READ

Mr. Trump's three-minute ad promising to crack down on local prosecutors in Democratic cities — whom he described as soft-on-crime "Marxists" came as he was facing intense scrutiny by two district attorneys in particular: Alvin L. Bragg in Manhattan and Fani T. Willis in Fulton County, Ga.

Last month, Mr. Bragg unsealed a 34-count indictment against the former president, charging him with falsifying business records in connection with hush-money payments to a porn actress made during his 2016 presidential campaign. Ms. Willis, in the meantime, is continuing to investigate Mr. Trump's efforts to interfere with voting in her state during the 2020 election.

While Mr. Trump did not mention either prosecutor by name, he has repeatedly lashed out at Mr. Bragg and Ms. Willis, both of whom are Black, describing them as racist and politically motivated. Both before and after the indictment of Mr. Trump was announced, Mr. Bragg faced threats against his life, and a letter to him containing a white powder — later determined not to be dangerous — was found in the mailroom of his office.

Mr. Trump's advertisement, which bore a screen title reading "Restoring Justice in America," was in keeping with his strategy of attacking law enforcement officials who seek to hold him accountable — one he has used over and over in his decades in the spotlight.

While Mr. Trump and his allies have often sought to undermine the F.B.I., which has taken part in multiple investigations of him in recent years, the advertisement was one of his most menacing threats yet against local prosecutors.

Mr. Trump said that district attorneys in cities like Chicago, Los Angeles and San Francisco should be subjected to federal subpoenas seeking emails and other records to determine whether they had "violated federal civil rights law" or engaged in "illegal racial discrimination." That appeared to echo the language of the investigations that the Justice Department has often undertaken against local police departments accused of racial bias.

Mr. Trump specifically called for an inquiry into the district attorney's office in Travis County, Texas, which recently won a murder conviction against Daniel S. Perry, a U.S. Army sergeant who fatally shot a protester during a Black Lives Matter demonstration in the summer of 2020.

The case has become a lightning rod for the right as Gov. Greg Abbott, the state's Republican governor, has suggested that the guilty verdict was wrong, and said that he planned to pardon Mr. Perry for the killing.